

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI

STATE VETERANS AFFAIRS BOARD

State Veterans Affairs Board
c/o Avery Mounger Lee
3466 HWY 80 East
Post Office Box 5947
Pearl, MS 39208
601-576-4857

Specific Legal Authority authorizing the promulgation of
Rule: Miss. Code Ann., Section 35-1-7
Miss. Code Ann., Section 35-1-27

Reference to Rules repealed, amended or suspended by the
Proposed Rule: Mississippi State Veterans Affairs Board
Policies, Rules and Regulations, Section 2. Veterans Homes

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: Policy Change to comply with the provisions of 38 CFR 51.41, which stipulate that to receive increased VA per diem payments SVAB must agree not to accept drugs and medicines from VA on behalf of those veterans in need of nursing home care for a VA adjudicated service-connected disability; or who have a singular or combined service connected rating of seventy (70) percent or more based on one or more service-connected disabilities or a rating of total (100) disability based on individual unemployability and are in need of nursing home care.

Policy change to comply with provision 38 CFR 51.43(c), which authorizes a ten (10) day and a twelve (12) day bed hold in specific circumstances while resident is away from the Veterans Home.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: (Check one box below)

☐ An oral proceeding is scheduled on this rule on Date: _____ Time: _____
Place: _____

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least _____ days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: *(Check one box below)*

- ☒ The agency has determined that an economic impact statement is not required for this rule, or
- ☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: May 8, 2009

Proposed Effective Date of Rule: July 8, 2009



Executive Director

physicians, any specialized rehabilitation service, medications that are not on the VA formulary, specialty beds and mattresses. The resident will be responsible for all costs for items not covered by the nursing home care charges. Any items not covered by Medicare/Medicaid or other insurance policy will be the sole responsibility of the resident. The care charge for non-veteran residents of the Homes will be, at minimum, double (2X) the rate paid by veteran residents. The prorated monthly charge is due upon admission unless otherwise approved by the Executive Director.

w. Effective upon the Department of Veterans Affairs implementation of the provisions of Public Law 109-461, State Veterans Affairs Board may reimburse State Veterans Home daily care charges retroactive to March 21, 2007, for eligible 70% service-connected State Veterans Home residents and for residents whose service-connected disabilities require State Veterans Home care.

x. Effective upon the Department of Veterans Affairs implementation of the provisions of Public Law 109-461 there shall be no State Veterans Home resident daily care charge for qualifying 70% service-connected veterans and for veterans requiring State veterans Home care due to their service-connected disabilities.

y. Pursuant to 38 CFR 51.41, the SVAB may not to accept drugs and medicines from VA on behalf of those veterans in need of nursing home care for a VA adjudicated service-connected disability; or who have a singular or combined service connected rating of seventy (70) percent or more based on one or more service-connected disabilities or a rating of total (100) disability based on individual unemployability and are in need of nursing home care

z. Residents may be authorized a leave of absence (pass) for a ten (10) day or twelve (12) period as set forth in 38 CFR 51.43(c), by the Executive Director or his designee.

1. Charges for nursing home care will continue to accrue during periods of absence (leave) from Home. Residents may be authorized leave of absence (pass), not to exceed ~~96 hours~~ twelve (12) days, by the Executive Director or his designee.

(a) Any resident of a Mississippi State Veterans Home will not have his/her bed filled, while on pass from the Home, until the Home has received from the resident or his/her responsible party, that the resident will not be returning to the Home. The following apply:

(1) **AFTER HOSPITALIZATION.** If a resident is hospitalized for more than 21 consecutive days, he or she shall be discharged from the facility. The resident will remain responsible for daily care charges until the date of discharge from the veterans home. Upon discharge from the hospital, the resident will be given priority placement within the State Veterans Homes.

(2) If the resident is on pass other than for hospitalization, the bed will be held